

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Claus Biller et al.  
Serial No: 10/599,204  
Filed: 9/22/2006  
Title: Bag with Lateral Folds  
Examiner: Peter N. Helvey  
Art Unit: 3782

**Commissioner for Patents**  
**Alexandria, VA 22313-1450**

RESPONSE TO OFFICE ACTION OF 1/19/2011

In response to the office action dated 1/19/2011, Applicant submits the following:

**REMARKS**

Claims 5 to 8 are pending in the application.

**Rejection under 35 U.S.C. 103**

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Totani* (US 2004/0258332) in view of *Wedi et al.* (US 2001/0051008) and *Wedi et al.* (US 2003/0210837).

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Totani* (US 2004/0258332) in view of *Wedi et al.* (US 2001/0051008) and *Wedi et al.* (US 2003/0210837) and further in view of *Wedi et al.* (US 6,398,412).

Examiner argues that *Totani* shows a gusseted bag (Fig. 1) of flexible multi-layer film with inner layer being fusible, as disclosed in paragraphs 0036 and 0042, the bag having a bottom end, top end, gussets on the sides, and bag walls being fused with the